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6 Attorneys for Plaintiff
NEIL A. JENSEN

UNITED STATES DISTRICT COURT

NORTHERN DISTRICT OF CALIFORNIA – SAN FRANCISCO

NEIL A. JENSEN,) CASE NO. 3:13-CV-05955-HSG

Plaintiff,)
vs.)
EX PARTE APPLICATION FOR
CONTINUANCE OF PRETRIAL
CONFERENCE; [PROPOSED ORDER]

BNSF RAILWAY COMPANY, a)
corporation)
Defendant.) Trial: October 26, 2015

**TO: THE CLERK OF THE COURT AND DEFENDANT BNSF RAILWAY COMPANY,
AND ITS ATTORNEYS OF RECORD,**

Pursuant to Civil Local Rule 7-10, Plaintiff NEIL A. JENSEN hereby requests that the Court continue the October 9, 2015 Pretrial Hearing to October 14-16, 2015, whichever date is convenient to the Court. As explained below, plaintiff's counsel will be in trial on another matter on October 9, 2015.

24 In support of his request, plaintiff's counsel Paula A. Rasmussen declares as follows:

25 1. September 21, 2015, Plaintiff's counsel Anthony S. Petru, lead counsel in this
26 matter, began trial in the matter of *Shawn M. Palmer v. BNSF Railway Company*, California
27 Superior Court, Count of San Joaquin, Case No. CV029777. The *Palmer* trial was estimated to
28 last 10-14 days. At the first day of trial, Mr. Petru learned that opposing counsel and Judge Carter

P. Holly required the courtroom be dark a number of days. Specifically Judge Holly requires three days dark and counsel for defendant requires two. As such, trial will run through the week of October 9, 2015. As lead counsel, Mr. Petru must attend the pretrial conference because no other attorney is available to become sufficiently familiar with this case and its issues to appear at the pretrial conference.

2. On September 23, the undersigned emailed defense counsel Cristina Ciminelli and Steven S. Vahidi about the scheduling conflict, and proposed that the pretrial conference be continued to October 14-16, 2015.

3. As of filing the instant Motion, counsel for Defendant has not responded.

4. Respectfully, Plaintiff requests the Court continue the currently scheduled Pretrial conference to October 14-16, 2015, whichever is most convenient to the Court.

I declare under penalty of perjury under the laws of the United States of America that the foregoing is true and correct.

Executed September 24, 2015, at Oakland, California.

HILDEBRAND, McLEOD & NELSON, LLP

By:

PAULA A. RASMUSSEN, ESQ.
Attorneys for Plaintiff
NEIL A. JENSEN

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2 **ORDER**

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Good cause having been shown,

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IT IS ORDERED that the pretrial conference currently set for October 9, 2015 at 3:00
5 pm., in Department 15, be rescheduled to the following: Wednesday, October 14, at 2:00 pm.

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DATED: September 25, 2015

11 By:


Honorable Haywood S. Gilliam, Jr.
United States District Court Judge

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